

AN ACT
RELATING TO EDUCATION; PROVIDING FOR OPTIONAL PRESCHOOL AND
EARLY LITERACY PROGRAMS IN THE PUBLIC SCHOOLS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is enacted to read:

"The purpose of an optional preschool and early literacy program is to ensure that participating children receive the support they need both at home and at school so that, by the time they complete third grade, they are reading at grade level."

Section 2. A new section of the Public School Code is enacted to read:

"OPTIONAL PRESCHOOL AND EARLY LITERACY PROGRAM.--

A. The department of education, upon approval of an optional preschool and early literacy program for participating children from age three through third grade, shall distribute money to those school districts that address program elements established by the department of education, including:

(1) initial implementation or expansion of full-day kindergarten;

(2) initial implementation or expansion of half-day programs for children age three through five;

(3) initial implementation or expansion of summer programs or transition programs for children age three through third grade;

(4) intensive literacy programs through third grade for students not reading at grade level;

(5) literacy programs before or after school or on weekends; and

(6) training for parents.

B. In requesting funding for optional preschool and early literacy programs, school districts may establish partnerships with local community-based public or private programs. Each funded proposal shall include documentation of a community needs assessment, an explanation of the ways in which the selected program will meet those needs and a family involvement component that is based on family support education principles for each of the program elements."

Section 3. A new section of the Public School Code is enacted to read:

"PROGRAM APPROVAL.--

A. An approved preschool and early literacy program shall serve those children from age three through third grade most in need based upon age-appropriate assessments, address cultural diversity and provide family support education.

B. An approved preschool and early literacy program, in addition to programs already offered pursuant to Section 22-2-8.3 NMSA 1978, may consist of one or more of the following:

(1) pre-kindergarten, which must consist of half-day programs, two and one-half hours per day or four hundred fifty hours per year;

(2) kindergarten, which must consist of full-day programs, five hours per day or nine hundred hours per year; and

(3) first, second and third grade, a

minimum of one hundred eighty hours of instruction per academic year.

C. An approved preschool and early literacy program shall demonstrate the following components:

- (1) age-appropriate developmental activities;
- (2) research-based literacy materials appropriate to the age of the students;
- (3) effective instructional techniques that incorporate the most recent research in the teaching of reading;
- (4) thorough integration of reading and writing activities;
- (5) training for teachers and parents; and
- (6) annual pre- and post-program assessments for students that clearly reveal student outcomes.

D. School districts that receive funding for an optional preschool and early literacy program shall evaluate and document the results of the program in terms of the number of children and families served, the services provided and the gains achieved by the children and their families and report those results to the department of education.

E. Student and family participation in a preschool and early literacy program shall be voluntary on the part of parents or guardians."

Section 4. A new section of the Public School Code is enacted to read:

"DUTIES OF THE DEPARTMENT OF EDUCATION.--

A. By July 1, 1999, the department of education shall develop an approval process for preschool and early literacy programs and disseminate instructions for that process to all school districts and provide technical assistance in developing proposals. The department shall define approval criteria, establish content standards and benchmarks that ensure students' progress and provide accountability to the public.

B. The department of education shall monitor preschool and early literacy programs and ensure that they serve the children most in need based upon age-appropriate assessments. If the department determines that a program is not meeting the benchmarks necessary to ensure the progress of students in the program, the department shall notify the school district that failure of the program to meet the benchmarks within sixty days shall result in the cessation of funding for the program. The department of education shall compile the program results submitted by the school districts and make an annual report to the legislative education study committee."

Section 5. Section 22-2-2 NMSA 1978 (being Laws 1967, Chapter 16, Section 5, as amended) is amended to read:

"22-2-2. STATE BOARD--DUTIES.--Without limiting those powers granted to the state board pursuant to Section 22-2-1 NMSA 1978, the state board shall perform the following duties:

A. properly and uniformly enforce the provisions of the Public School Code;

B. determine policy for the operation of all public schools and vocational education programs in the

state;

C. appoint a state superintendent;

D. purchase and loan instructional material to students pursuant to the Instructional Material Law and adopt rules relating to the use and operation of instructional material depositories in the instructional material distribution process;

E. designate courses of instruction to be taught in all public schools in the state;

F. assess and evaluate all state institutions and those private schools that desire state accreditation;

G. determine the qualifications for and issue a certificate to any person teaching, assisting teachers, supervising an instructional program, counseling, providing special instructional services or administering in public schools, according to law and according to a system of classification adopted and published by the state board;

H. suspend or revoke a certificate held by a certified school instructor or certified school administrator, according to law, for incompetency, immorality or for any other good and just cause;

I. make full and complete reports on consolidation of school districts to the legislature;

J. prescribe courses of instruction, requirements for graduation and standards for all public schools, including from July 1, 1999 through June 30, 2002 preschool and early literacy programs offered by the public schools, for private schools seeking state accreditation and for the educational programs conducted in state institutions other than the New Mexico military institute;

K. adopt rules for the administration of all public schools and bylaws for its own administration;

L. require periodic reports on forms prescribed by it from all public schools and attendance reports from private schools;

M. authorize adult educational programs to be conducted in schools under its jurisdiction and adopt and promulgate rules governing all such adult educational programs;

N. require any school under its jurisdiction that sponsors athletic programs involving sports to mandate that the participating student obtain catastrophic health and accident insurance coverage, such coverage to be offered through the school and issued by an insurance company duly licensed pursuant to the laws of New Mexico;

O. require all accrediting agencies for public schools in the state to act with its approval;

P. accept and receive all grants of money from the federal government or any other agency for public school purposes and disburse the money in the manner and for the purpose specified in the grant;

Q. require prior approval for any educational program in a public school that is to be conducted, sponsored, carried on or caused to be carried on by a private organization or agency;

R. approve or disapprove all rules promulgated by any association or organization attempting to regulate any public school activity and invalidate any rule in conflict with any rule promulgated by the state board. The state board shall require any association or organization

attempting to regulate any public school activity to comply with the provisions of the Open Meetings Act and be subject to the inspection of the Public Records Act. The state board may require performance and financial audits of any association or organization attempting to regulate any public school activity. The state board shall have no power or control over the rules or the bylaws governing the administration of the internal organization of the association or organization;

S. review decisions made by the governing board or officials of any organization or association regulating any public school activity, and any decision of the state board shall be final in respect thereto;

T. accept or reject any charitable gift, grant, devise or bequest. The particular gift, grant, devise or bequest accepted shall be considered an asset of the state;

U. establish and maintain regional centers, at its discretion, for conducting cooperative services between public schools and school districts within and among those regions and to facilitate regulation and evaluation of school programs;

V. assess and evaluate for accreditation purposes at least one-third of all public schools each year through visits by department of education personnel to investigate the adequacy of pupil gain in standard required subject matter, adequacy of pupil activities, functional feasibility of public school and school district organization, adequacy of staff preparation and other matters bearing upon the education of the students;

W. provide for management and other necessary

personnel to operate any public school or school district that has failed to meet requirements of law, state board standards or state board rules; provided that the operation of the public school or school district shall not include any consolidation or reorganization without the approval of the local board of that school district. Until such time as requirements of law, standards or rules have been met and compliance is assured, the powers and duties of the local school board shall be suspended;

X. establish and implement a plan that provides for technical assistance to local school boards through workshops and other in-service training methods; provided, however, that no plan shall require mandatory attendance by any member of a local school board;

Y. submit a plan applying for funds available under Public Law 94-142 and disburse these funds in the manner and for the purposes specified in the plan; and

Z. enforce requirements for home schools. Upon finding that a home school is not in compliance with law, the state board has authority to order that a student attend a public school or a private school."

Section 6. Section 22-8-2 NMSA 1978 (being Laws 1978, Chapter 128, Section 3, as amended) is amended to read:

"22-8-2. DEFINITIONS.--As used in the Public School Finance Act:

A. "ADM" or "MEM" means membership;

B. "membership" means the total enrollment of qualified students on the current roll of a class or school on a specified day. The current roll is established by the addition of original entries and reentries minus

withdrawals. Withdrawals of students, in addition to students formally withdrawn from the public school, include students absent from the public school for as many as ten consecutive school days;

C. "basic program ADM" or "basic program MEM" means the MEM of qualified students but excludes the full-time-equivalent MEM in early childhood education and three- and four-year-old students receiving special education services;

D. "cost differential factor" is the numerical expression of the ratio of the cost of a particular segment of the school program to the cost of the basic program in grades four through six;

E. "department" or "division" means the state department of public education;

F. "early childhood education ADM" or "early childhood education MEM" means the full-time-equivalent MEM of students attending approved early childhood education programs;

G. "full-time-equivalent ADM" or "full-time-equivalent MEM" is that membership calculated by applying to the MEM in an approved public school program the ratio of the number of hours per school day devoted to the program to six hours or the number of hours per school week devoted to the program to thirty hours;

H. "operating budget" means the annual financial plan required to be submitted by a local school board;

I. "program cost" is the product of the total number of program units to which a school district is entitled multiplied by the dollar value per program unit

established by the legislature;

J. "program element" is that component of a public school system to which a cost differential factor is applied to determine the number of program units to which a school district is entitled, including but not limited to MEM, full-time-equivalent MEM, teacher, classroom or public school;

K. "program unit" is the product of the program element multiplied by the applicable cost differential factor;

L. "public money" or "public funds" means all money from public or private sources received by a local school board or officer or employee of a local school board for public use;

M. "qualified student" means a public school student who:

(1) has not graduated from high school;

(2) is regularly enrolled in one-half or more of the minimum course requirements approved by the state board for public school students; and

(3) is at least five years of age prior to 12:01 a.m. on September 1 of the school year; or

(4) is at least three years of age at any time during the school year and is receiving special education services pursuant to regulation of the state board or from July 1, 1999 through June 30, 2002 is enrolled in an approved preschool and early literacy program;

(5) from July 1, 1999 through June 30, 2002 is at least three years of age at any time during the school year and is enrolled in an approved preschool and early

literacy program; or

(6) has not reached his twenty-second birthday on the first day of the school year and is receiving special education services pursuant to regulation of the state board; and

N. "state superintendent" means the superintendent of public instruction or his designee."

Section 7. Section 22-8-19 NMSA 1978 (being Laws 1974, Chapter 8, Section 9, as amended) is amended to read:

"22-8-19. EARLY CHILDHOOD EDUCATION PROGRAM UNITS.--

A. The number of early childhood education program units is determined by multiplying the early childhood education MEM by the cost differential factor 1.44. No early childhood education student shall be counted for more than 0.5 early childhood education MEM.

B. For the purpose of calculating early childhood education program units, developmentally disabled three- and four-year-old students shall be counted in early childhood education membership. No developmentally disabled three- or four-year-old student shall be counted for more than 0.5 early childhood education MEM.

C. Effective from July 1, 1999 through June 30, 2001, the number of preschool and early literacy program units is determined by multiplying the number of children in programs for three- and four-year-old developmentally disabled students and the number of children in kindergarten through grade three by the district's at-risk index multiplied by 0.513.

D. Effective from July 1, 2001 through June 30, 2002, the number of preschool and early literacy program

